

Sanctuary Advisory Council

Forty-fourth Meeting

March 16, 2006

8:30 a.m. to 12:30 p.m.

Honolulu International Airport

Inter-Island Conference Center

FINAL MINUTES

Attendance

Primary Council Members Present:

Bob Bruck, Jim Coon, Liz Corbin, Bill Friedl, Lou Herman, Dave Hoffman, Becky Hommon, Kimokeo Kapahulehua, Marc Lammers, Teri Leicher, Jerry Norris, Terry O'Halloran, Sara Peck, Dick Poirier, Glenn Soma, Mike Stanton, Cheryl Sterling, Don Thornburg, Terry White, Bob Wilson, Chris Yates.

Alternate Council Members Present:

Paul Clark, Duane Erway, Hoku Johnson (for `Aulani Wilhelm), Elizabeth Kumabe, Robin Newbold, Barbara Nowak, Marty Sands.

Excused:

Cindy Barger, Athline Clark, Nancy Daschbach, Tom Friel, Eric Kingma, Harold Lao, Jeanne Russell, Reg White, `Aulani Wilhelm.

Others Present:

HIHWNMS: Keeley Belva, Christine Brammer, Naomi McIntosh, Jean Souza, Jeff Walters.

PUBLIC: Rozelle Agag, Grant Arnold, Randy Cates, John Corbin, Brooke Kumabe, Gary Quiming, Jamie Sheu, Lisa VanAtta, Peter Whitfield, Michelle Yuen.

Distributed Materials

- Meeting Agenda
- Table of Contents
- Final Meeting Minutes (1/12/06)
- Action Item Report
- Sanctuary Manager's Report
- Sanctuary Co-Manager's Report
- Advisory Council Chairs Meeting Agenda
- Aquaculture Letter—Final
- Education Cruise Letter—Final
- SPLASH Data Analysis Letter—Final
- HIMB Thank You Letter—Final

- Sanctuary Advisory Council Member Directory
- *Sanctuary Watch, Winter 2006*

Call to Order

The purpose of this meeting is gain knowledge about matters that affect humpback whales and their habitat.

Council Chair Terry O'Halloran called the meeting to order at 8:35 a.m. and Teri Leicher, Council Secretary, took role and determined that there was a quorum for the meeting. The Chair then introduced and welcomed the newly selected council members.

Approval of Meeting Minutes

The meeting minutes from the Council's January 12, 2006 meeting were unanimously approved.

Public Forum

Dennis Fitzpatrick, Pump Don't Dump—Mr. Fitzpatrick was representing Pump Don't Dump, an organization formed to help improve water quality near Maui's small boat harbors. He provided information that was distributed to Council over email. Mr. Fitzpatrick read the testimony that he provided over email (see attachment 1). ACTION: The Chair explained that the Conservation Committee had previously been assigned to address this subject matter and would provide a report of their discussions at the next meeting.

Presentations

- Chris Yates, NOAA Fisheries – PIRO—Mr. Yates is the Assistant Regional Administrator for the Protected Resources branch of the Pacific Islands Regional Office. His presentation outlined some of the changes that have been happening in the Protected Resources branch and what their team has been focusing on. He also explained the role of PIRO in the recent humpback whale disentanglement efforts.
- John Corbin, Hawaii Aquaculture Development Program—Mr. Corbin gave a presentation on the value of aquaculture and what the Hawaii Aquaculture Development Program is doing to promote it as a viable business opportunity in Hawaii. He said that he is interested in more conversations in the future with the Council and its Aquaculture Working Group to develop future recommendations for new proposed aquaculture ventures.
- Randy Cates, Cates International—Mr. Cates gave a brief background his history in operating an open ocean aquaculture facility in Hawaii. Cates International is the first open ocean aquaculture business in Hawaii and he feels that his experience can contribute significantly to future potential projects. Mr. Cates also explained to the council why he disagreed with many of the Council's concerns that were addressed in their comments about the proposed Pacific Ocean Ventures aquaculture project off of

Maui regarding potential impacts that open ocean aquaculture facilities could have on humpback whales.

Discussion on Reports and Updates

Chair's Report:

Council Chair Terry O'Halloran asked the Council members to refer to the Action Item Report (see attachment 2). Mr. O'Halloran informed the group about the recent conference call that he had with the National Marine Sanctuary Foundation to explore fundraising opportunities and recommendations to support the Sanctuary program initiatives that may be impacted by proposed budget cuts. Christine Brammer explained a little more about some of the new efforts that the Foundation is undertaking, such as membership opportunities. Applications for membership to the Foundation were made available to each of the council members. Ms. Brammer also told the council members that an effort to get specialty Sanctuary license plates is again underway. The license plates would be available to Oahu residents and a percentage of the fee for the plates would go to the Foundation to support the Sanctuary's programs. Mr. O'Halloran announced that he recently accepted a new position on Oahu and would be joining the management team of Hawaii SuperFerry.

Sanctuary Manager:

Naomi McIntosh submitted a written report (see attachment 3). Ms. McIntosh welcomed the new members to the Council. She also thanked the previous members and passed out certificates of appreciation for each of them. Ms. McIntosh then highlighted some information contained in her report; she informed the Council that the budget scenario for fiscal year 2007 would likely have the sanctuary program funded at the same level as this year and that the sanctuary sites should be anticipating additional budget cuts. She announced that NOAA recently held a conference call for the Sanctuary Advisory Council chairs regarding new proposed fishing regulations that the sanctuaries could be addressing in the future. Ms. McIntosh updated the council members that there was an injured calf that was recently reported off of Maui. She explained that it was probably struck by a vessel and it seems that it is a different one that was struck in early March. The group discussed the protocol after a whale strike happens and suggested developing stickers that would be available to boaters with the hotline number. The group also suggested distributing a press release to again provide boaters with appropriate numbers to call and to remind the public of what to do in the case of a collision.

Sanctuary Co-Manager:

Sanctuary Co-Manager, Dr. Jeffrey Walters, submitted a written report (see attachment 4). He joined Naomi McIntosh in welcoming the new Council members. He also indicated that eleven vessel-whale collision signs had been installed at boat harbors and ramps around the state this year. He then stated that he would stand on his written report to save meeting time for agenda items.

Hawai'i County:

Sara Peck, Hawaii County Representative, announced that Hawaii SuperFerry recently community meetings on the Big Island.

Honolulu County:

Bill Friedl, Honolulu County Representative, noted that the Oahu sanctuary office has been keeping busy with their education and outreach projects. He mentioned that he recently had an opportunity to go on the USS Ronald Reagan and said he felt that the crew took their environmental responsibilities very seriously and it was a good experience.

Kaua'i County:

Don Thornburg, Kauai County representative, said that the Sanctuary's disentanglement training sessions held on Kauai have been educational and that the efforts of the Sanctuary have recently been highlighted in *Kauai Visitors* magazine.

Maui County:

Cheryl Sterling, Maui County Representative, said that many of the issues concerning Maui have been discussed, including pump-out stations and recent vessel strikes. She asked Kimokeo Kapahulehua to give an update on the fishpond restoration near the Maui sanctuary site. Mr. Kapahulehua shared that there has been a lot of progress and that there have been many visitors coming through to learn about and help with the fishpond restoration activities.

Conservation Committee:

Lou Herman, Conservation Committee Chair, said that the conservation committee recently participated with the research committee on a conference call that discussed recommendations for proposed spinner dolphin regulations. The committees also discussed the potential detection capability of using forward looking sonar with Hawaii SuperFerry.

Research Committee:

Marc Lammers, Research Committee Chair, added to what was reported by the conservation committee. He said that making sonar a viable option to companies like Hawaii SuperFerry at this time is a technical challenge, as well as a financial one. He also mentioned that making comparisons to the right whale issue are not always appropriate as the circumstances are very different.

Education Committee:

Elizabeth Kumabe, Education Alternate, did not have anything to report.

Program Development Committee:

No report was submitted.

Aquaculture Working Group:

Mike Stanton, working group chair, said that the group has had some discussions through conference calls and over email, and that they will be considering the information from the presentations from aquaculture representatives given earlier in the meeting.

SAC Composition and Participation Working Group:

Dick Poirier, working group chair, had asked for input through email from the group regarding the composition of the council. Additionally they felt that participation, especially State agency participation, could be improved. **ACTION:** The group felt that the council chair should send a letter to agencies reminding them to send a representative or an alternate to the council meetings. Co-Manager Jeff Walters added that he recently called the state representatives to encourage them to attend the meetings.

Unfinished Business

- SAC Chairs Meeting—The chair asked for the Council's input on the discussion topics for the upcoming annual Advisory Council Chairs and Coordinators Meeting. The group discussed each of the topics and gave the following feedback:
 - Oil and Gas—This could be applicable to HIWHNMS if the discussion includes alternative energy sources.
 - Acoustics—**ACTION:** Marc Lammers, Research Committee Chair, volunteered to have a more detailed discussion with Terry O'Halloran and others on this topic.
 - Fishing—Members briefly discussed issues with gill net fishing and its affects on marine mammals.

New Business

- Recommendations from the Composition Working Group—The group did not have any new actions.
- Proposed Rulemaking for Spinner Dolphins—Marc Lammers explained some options that the committee discussed and said that the committees could not reach a consensus of what specific rules to endorse, however there was a consensus that there needed to be better guidelines. **ACTION:** Dr. Lammers will draft a position paper for the committees to review and will present it for the council's comments at the May council meeting. He also explained some concerns leading to a need for rulemaking, and explained that the group could seek further information from NOAA Fisheries.

Public Forum

No comments were given at this time.

Announcements

- The HIHWNMS Sanctuary Advisory Council 2005 meeting schedule will be changed to May 18th and September 7th (previously scheduled for September 14th).
- Liz Corbin announced that the State Department of Business, Economic Development & Tourism Ocean Resources Branch is now the Science and Technology Branch
- The Division of Aquatic Resources (DAR) Living Reef Award nominations forms are now available from DAR and soon will be online.
- Becky Hommon announced that scoping meetings will soon be held regarding updating the EIS for Pacific Missile Range Facility.

Adjournment

Council Chair, Terry O'Halloran, adjourned the meeting at 12:15 p.m.

Attachment 1

Dennis Fitzpatrick
85 Mokuahi Street
Ma'alaea, HI 96768
Ph 808-572-6565
7 March 2006

Whale Sanctuary Advisory Members
Honolulu HI
Meeting of 16 March 2006

Aloha Board Members,

I would like to thank you for this opportunity to come to your meeting and ask for your assistance in ensuring our sanctuary waters are protected from the dumping of sewage into our waters by the many tour boat operators. I have been involved in this effort for 7 years and have been to all governmental agencies for assistance including yours. The negligence of the state in providing adequate pump out had continued to force operators to discharge their sewage into the ocean we recreate in and the marine animals live. This has changed recently with our County Government and other governmental agencies, establishing a \$160,000 fund to provide pump truck service for the boats. Unfortunately most boats continue to dump into the waters. They first used the excuse that the government needed to take action and provide service. Then they said the costs of retrofitting and Coast Guard inspections costly and caused delays. These are factors we have shown to be minimal expense and the Coast Guard has not been asked to inspect most boats. They hide behind the fact that they are complying with Federal laws which allows dumping into Federal waters. The State does not allow dumping into state waters, three miles from shore. Federal waters starts and dumping is allowed. I have included in the packet a strongly worded Resolution by our County Council asking this dumping to stop. The packet also includes a proposed Resolution for your consideration to begin the process to stop this practice through rule changes in the Sanctuary. The Sanctuary, as stewards of the area, can make immediate impacts if you take action. We have been told by state officials it will be at least 3 to 5 years before permanent pump outs are available to boaters. Some believe that nothing can be done in the meantime. I ask that you as stewards of the Sanctuary to take some action to ensure public safety, protect the sensitive habitat, and reduce future environmental impacts.

Epa regulation CWA Section 312 (F)(4)(A) states:

2: Particular Environmental Importance (CWA Section 312 (F)(4)(A))

If EPA determines, upon application by a State, that the protection and enhancement of specified waters require a prohibition, EPA will by regulation completely prohibit the discharge from a vessel of any sewage, whether treated or not, into those waters. Unlike no-discharge zones under Type #1 above, the State does not have to show that there are adequate and reasonably available pump-out stations. The purpose of this type of designation is to protect human health (through water-contact activities), sensitive habitats, and aquatic organisms, birds, and other animals utilizing the water from adverse impacts of vessel sewage. Environmental importance can include waters located in established sanctuaries, national parks, national wilderness areas, national recreation areas, and areas used by endangered or threatened species.

As you know, there are many endangered and protected animals in this Sanctuary, as identified by the Endangered Species Act. I would like to suggest you take immediate action to stop this practice by asking the state to petition for a no discharge zone for the Sanctuary. In the alternative, I ask you to request NOAA to change the rules of the Sanctuary to prohibit dumping of boat sewage. The rule that needs to be changed is 15 CFR 922.184, Subpart Q. The proposed Resolution in your packet, marked Exhibit "C" is given to you for your consideration to begin this process. This can be done without changing any statutes and is the fastest way to get the dumping stopped. The boaters who are not participating in the dockside pumping offered would then be required to pump out. Should you not take action in this matter at least mandate that signs be established so people can make informed choices to which operators they use. Many are amazed this is happening and say they would only use pumping operators. This could force the dumpers to come onboard.

It amazes me that you currently allow for the dumping of sewage from an estimated 800,000 people from all over the world. This estimate is for only one of our harbors. Yet boat operators are not allowed to dump trash into the waters you are tasked to protect. Kayakers are fined for approaching whales yet boats can dump into their waters freely. I strongly feel that the marine animals and organisms you are protecting are harmed more by sewage and hope you take action.

Our local grass roots organization, Pump Don't Dump has provided you all with a packet that describes our efforts and gives information. We hope this aids you in providing information to help make your decisions.

Maui has grown enormously and will continue to grow. The estimated 3 million tourists now will be much more in the future. Impacts to our Sanctuary must be dealt with so our children, our grandchildren, visitors and residents may continue to enjoy this sanctuary and not have to worry about health issues. Government would not need to deal with the negative effects that further exposure of this practice would have on our economy.

It is your job to protect the designated Sanctuary and I have been told we are the only Sanctuary that currently allows such dumping. I pray that you take some action and our group is committed to doing what is necessary to stop the dumping.

Thank You Very Much.

Dennis Fitzpatrick

Sanctuary Advisory Council 2006 Action Item Report

ACTION: The SAC members asked to form a committee that would assess the effectiveness of the current membership structure of the Council. (1/12/06)

Status: This committee plans to have recommendations on SAC composition for consideration at the March meeting.

ACTION: The chair will write a letter to thank the Hawaii Institute of Marine Biology for their graciousness in hosting the SAC Retreat. (1/12/06)

Status: The letter was sent on 9 February 2006—COMPLETE

ACTION: The SAC Chair asked to establish a fundraising working group. (1/12/06)

Status: A call with the director of NMSF, the SAC Chair, and Sanctuary staff was held on 27 February 2006.

ACTION: Jim Coon and Reg White were tasked with leading the ad-hoc committee in contacting the State legislatures and educating them about the Sanctuary. (1/12/06)

Status: Packets have been prepared and will be delivered around Feb 1. (1/30/06)—COMPLETE

ACTION: To distribute the resolution supporting SPLASH funding as amended, (add the word “humpback” before “Hawaii and the North Pacific” in the Be It Further Resolved paragraph; transmit the resolution with the general SPLASH one pager; make changes to the Be It Further Resolved paragraph to be \$100,000 for FY06 and \$100,000 in FY07) and transmit it to the named recipients. (1/12/06)

Status: The resolution was distributed to the Sanctuary managers and program leadership. (2/2/06)—COMPLETE

ACTION: The conservation committee should address these concerns regarding pump-out facilities. (1/12/06)

Status: The committee met prior to the SAC meeting and will report their findings (3/6/06).

ACTION: To form a working group to gather information on aquaculture, that would identify concerns, and develop recommendations. The group will give an initial report to the SAC by May. (1/12/06)

Status: The working group is discussing its options and developing a work plan. (1/30/06)

ACTION: Dr. Lammers will draft comments on new spinner dolphin regulations being proposed by PIRO for the Research and Conservation Committees to present at the March SAC meeting. (1/12/06)

Status: The Research committee will meet together with the Conservation committee on March 9. (2/28/06)

ACTION: It was requested to invite a representative from NOAA General Council to a future meeting to give a presentation regarding information on vessel strikes. (1/12/06)

Status:

Action: Letter Supporting Sanctuary Education Cruises—send the letter from the SAC to all appropriate recipients

Status: The letter was distributed. (1/18/06)—COMPLETED

Action: Letter Regarding Aquaculture in the Sanctuary—send the letter to the recipient.

Status: The letter was distributed. (1/18/06)—COMPLETED

Attachment 3

**Hawaiian Islands Humpback Whale National Marine
Sanctuary Advisory Council
Manager's Report
March 16, 2006**

Council Updates

In February, NOAA held a conference call with the SAC chairs to explain how future decisions regarding the proposed fishing regulations will be addressed both within and outside of Sanctuaries.

The National Marine Sanctuaries Act (NMSA) and the Magnuson-Stevens Fishery Conservation and Management Act (MSA) are both important pieces of marine resource legislation administered by NOAA. Although they reflect different purposes and mandates, NOAA is committed to implementing these acts in a compatible and complementary manner. NOAA staff has developed a flowchart to clarify the role of Regional Fishery Management Councils (RFMCs), Sanctuary Advisory Councils, NOAA Fisheries Service (Fisheries) and the National Marine Sanctuary Program (NMSP) in addressing processes that look at proposed or potential future regulations affecting fishing.

The conference call with the SAC chairs was to specifically explain the draft flowchart

and implementation process, and to gather any comments on it. The flowchart is a work-in-progress and it highlights the points of coordination among the RFMCs, Fisheries, Sanctuary Advisory Councils, Treaty Tribes and NMSP at the different stages in the process of developing fishing regulations. The flowchart shows where RFMCs engage in the sanctuary process, as well as how Sanctuary Advisory Councils and the NMSP can engage in the Magnuson process.

If the SAC wishes to comment on the draft flowchart, written comments are due to Kevin Grant of the National Marine Sanctuary Program (NMSP) by April 30th. In accordance with normal operating procedures, the Sanctuaries Program has asked that each council send its comments to its respective Sanctuary Manager or Superintendent. The Managers/Superintendents will forward all comments to Kevin. If you have questions regarding the flowchart during your deliberations, please contact either Margo Jackson (Margo.E.Jackson@noaa.gov) or Kevin Grant (Kevin.Grant@noaa.gov) in the NMSP. Margo and Kevin can answer your questions or will be able to refer you to the correct NMFS staff.

I. SAC Council Committee Meetings

The Hawaiian Islands Humpback Whale National Marine Sanctuary Advisory Council held a joint Research and Conservation Committees meeting via conference call on Thursday, March 9, 2006. The group discussed a recent announcement by NOAA Fisheries for an Advanced Notice of Public Rule Making regarding spinner dolphins. Additionally, the committees discussed possible technologies that may be helpful for the proposed high-speed inter-island ferry. Also on March 9th, the Advisory Council's SAC Composition Working Group met via conference call to discuss issues concerning the make-up and participation of the council.

Education and Outreach

Boater Outreach

The sanctuary completed a targeted mail out to Hawaii's Ocean Industry (dive shops, kayak shops, whale watch companies, etc.). The mail out provided information related to responsible wildlife viewing, regulations related to Hawaii's humpback whales and other marine protected species, information on how to report an entangled humpback whale and information on boater safety. In addition, general sanctuary materials and materials focusing on February's Humpback Whale Awareness Month were also provided. The goal of this effort was to increase awareness of the sanctuary and the laws in place to protect humpback whales while emphasizing the importance of safe boating and responsible wildlife viewing to all ocean users. This effort was in conjunction with the Sanctuary State office's efforts to install signs cautioning boaters about potential vessel-whale collision risks at small boat harbors and ramps around the state.

II. Ocean Count

The first and second scheduled events of the annual whale count was held on January 28 and February 25. During the first count approximately 650 volunteers took part in this shoreline whale watch, in which volunteers count whales and record their behaviors. Approximately 3 whales were seen per fifteen-minute count period around the state. This

year, the project was featured in the Admiral's report, the NOAA report and the Sanctuary Watch.

On Friday March 10th, Sanctuary staff member Justin Viezbicke continued efforts to get a variation of the Sanctuary's Ocean count up and running in the local schools and community groups. On this day 15 Waimea Middle school students monitored the waters just north of Kawaihae for humpback whale behaviors and fortunately they were not disappointed as they observed and recorded fluke slaps, pec slaps, blows, breaches, and fluke up dives. The following day, the Sanctuary partnered with Girl Scouts of America to monitor and record whale behavior off the Kona Coast of the Big Island. The 15 girls from the local chapter were able to observe and record some whale behavior offshore while learning more about humpback whales on the beach.

Working with volunteers

The sanctuary held a Valentine's Volunteer Appreciation Event on Oahu to recognize volunteers for their participation in the Sanctuary Ocean Count and other projects. Volunteers were provided lunch courtesy of the National Marine Sanctuary Foundation. They spent the day socializing among each other and they also helped the sanctuary prepare a large mail out and a variety of marine education activities that will be used at future events.

40 whale naturalists on Kauai participated in an advanced on-water humpback whale training sponsored by the Sanctuary and Capt. Andy's Sailing Adventures. The 6-hour training, involved a multi-media lecture by Ed Lyman, the sanctuary's Marine Mammal Rescue Manager, and a 3-hour on-water component guided and narrated by Ed. The trainees consisted of sanctuary volunteers who have site leader responsibilities in connection with the Sanctuary Ocean Count, volunteers in the education corps and support corps, key personnel with the Kilauea Point National Wildlife Refuge, and selected schoolteachers. The 50-passenger catamaran Spirit of Kauai was provided at no cost to the sanctuary by Capt. Andy Evans. This training was held on February 4th.

Sanctuary celebrates February as Humpback Whale Awareness Month

A variety of efforts took place during the month including a broad range of events such as community whale watches, public lecture series, educational presentations and other special events. In addition, the sanctuary worked with local media outlets to spread the word about the campaign. A variety of news articles, website announcements, and radio and television segments promoted the effort. In addition, Starbucks Hawaii distributed information sheets on the project at locations on Maui and Oahu. The sanctuary also promoted the project through the 51 libraries around the state by distributing information materials, bookmarks and posters. Also, the ocean user industry received information on the project, humpback whales, and responsible wildlife viewing to distribute. This is the first year that this effort was conducted around the state. Due to the positive feedback and continued interest of the public as well as the event co-sponsors, the sanctuary hopes to offer this event in future years.

III. Working with students on the Big Island

On Tuesday February 28th, Kona sanctuary office staff and volunteers partnered with Kula Naia foundation to present new curriculum to 15 Big Island teachers. The curriculum focused on dolphin and whale monitoring from shore based stations in addition to classroom activities and discussions that can supplement the in the field observations. The sanctuary section of the curriculum was an extension of our annual Ocean Count project that has been very successful in raising awareness and educating the local community about humpback whales.

Science and Rescue

IV. Sanctuary leads disentanglement response

On February 12th, the Community Based Whale Disentanglement Network successfully freed a humpback whale from a life threatening entanglement off the north side of Lanai. Coordinating the response effort was sanctuary staff members David Mattila, Science and Rescue coordinator and Ed Lyman, Marine Mammal Response Manager. The whale was first seen and reported a few days earlier by the Hawaii Marine Mammal Consortium (HMMC) on the Island of Hawaii. Justin Viezbicke led the effort to attach a radio/VHF tracking buoy. Allowing time for the Sanctuary's primary response team to gather equipment, travel to the Big Island and prepare for a response the next day.

Unfortunately, as the teams got under way, the whale swam into rough waters off Upolu point and the team determined that a rescue attempt would be too dangerous to attempt. Two days later the whale was resighted off of Maui by a whale watch vessel who immediately called the hotline number and got the rescue team to reassemble and respond.

On March 5, a second successful disentanglement response was accomplished. This whale was entangled in over 100 lbs of 1" diameter line wrapped several times around the animals tail stock. The whale was determined to be a female and the disentanglement was assessed as life threatening. Essentially the lines was providing considerable drag on the tail of the whale and beginning to cut into the animal's body. The entangled whale was believed to be the same whale that was reported to the NOAA Hotline on January 29 by HMMC off the Big Island. The animal was resighted by another research group, the Dolphin Institute on March 5th. Researchers with the Dolphin Institute stayed with the whale until the Sanctuary response members arrived on scene.

If you believe you have seen an entangled whale, please call the NOAA Fisheries hotline at (888) 256-9840.

V. Sanctuary provides support to NOAA Fisheries in locating a calf with possible injuries

Sanctuary research staff was asked by NOAA Fisheries to assist in locating a whale calf off Maui with possible injuries to assess and verify. The Sanctuary team was able to document information that will allow NOAA Fisheries to better assess the animal's condition.

VI. Sanctuary assists NOAA Fisheries in stranding response

On Wednesday March 8th, Kona sanctuary staff member Justin Viezbicke and three members of Hawaiian Islands Stranding Response Group (HISRG) responded to a dead beached dolphin just north of Kua Bay on the island of Hawaii. The group found the carcass of a large male spinner dolphin and was able to remove the carcass and ship it over to Oahu for necropsy.

Partnerships

A. Sanctuary participates in Implementation Planning Workshop with NOAA's Marine Debris Program

Sanctuary Manager Naomi McIntosh attended NOAA's Marine Debris Program Implementation Plan Workshop at the NOAA Sand Point Facility in Seattle, Washington on January 24-26. The purpose of the workshop was to better identify and understand the aspects of a comprehensive marine debris program and to develop questions and actions to guide future program planning and implementation.

Sanctuary co-sponsors education event focused on Hawaii's Seabirds with Hawaii SeaGrant Hanauma Bay Education Program and the City and County of Honolulu

The Sanctuary co-sponsored an evening event at the Hanauma Bay Nature Preserve on Saturday, March 11, 2006. The event focused on Hawaii's Seabirds and Shorebirds. Guest speakers provided information on seabirds, shorebirds, and rehabilitation efforts and displays were available from a variety of organizations including U.S. Fish and Wildlife Service, the State of Hawaii, Brigham Young University, NOAA Fisheries, and more. In addition, a variety of activities were available for children, including a special activity book, which was created specifically for this event. The activity book will be made available for download at http://hawaiihumpbackwhale.noaa.gov/kids_page.html. Other sponsors for this event include the University of Hawaii Sea Grant Hanauma Bay Education Program and the City and County of Honolulu.

VII. USCG participates in humpback whale training opportunity

On February 13, nine members of the U.S. Coast Guard Nawiliwili Station participated in a training opportunity offered by Jean Souza. The training covered humpback whale behavior, research activities and the basics of large whale disentanglement.

Sanctuary working with National Marine Sanctuary Foundation to provide specialized license plates

Christine Brammer is working with Jennifer Black from the National Marine Sanctuary Foundation on a project that will allow Honolulu county residents to purchase specialized license plates that will promote the Hawaiian Islands Humpback Whale National Marine Sanctuary. The National Marine Sanctuary Foundation will receive a portion of the funds from the sale of the specialized plates and that money will be used to support the education and outreach efforts of the Hawaiian Islands Humpback Whale National Marine Sanctuary

Miscellaneous

VIII. Sanctuary office on Oahu provides meeting venue for NOAA Fisheries

The Hawaiian Islands Humpback Whale National Marine Sanctuary hosted a public scoping meeting at their Hawaii Kai (Honolulu) office for NOAA Fisheries. NOAA Fisheries is preparing an environmental impact statement for the activities relating to marine mammal health and stranding responses. The meeting was held on January 27.

Sanctuary receives two Hollings Scholarship interns

The sanctuary has been notified that applications submitted for two Hollings Scholarship Interns has been accepted. The interns will work alongside staff in the Oahu and Maui office over the summer. The internships focuses will be on a two different projects including assisting in the data entry and analysis of the 2006 Sanctuary Ocean Count project data and working with the Sanctuary's research team.

Sanctuary staff seeks innovative ideas to find opportunities for program support

Sanctuary staff held a conference call to discuss the various grant opportunities that are available and develop a plan for which grants to submit to help supplement the sanctuary's program budget.

Sanctuary staff begins planning for education cruise on the NOAA ship Hi'ialakai

Sanctuary staff held a conference call to begin planning for the upcoming education cruise aboard the NOAA ship Hi'ialakai. The education cruise will take place April 24-26, 2006. The first two days will involve students from the island of Oahu and the last day will involve students from Kauai.

Attachment 4

March 15, 2006

MEMORANDUM

To: Sanctuary Advisory Council, Hawaiian Islands Humpback Whale National Marine Sanctuary (HIHWNMS)

From: Jeff Walters, Sanctuary Co-Manager, Hawaii Department of Land and Natural Resources (DLNR), Division of Aquatic Resources (DAR)

Subject: HIHWNMS state office update for the period of January 7, 2006 through March 15, 2006 (Prepared for the March 16, 2006, Council meeting).

Boater Outreach

As of February 10, eleven whale collision caution signs (designed with extensive Council input) were installed by state sanctuary staff, at the following DLNR boating facilities:

Kauai: Nawiliwili, Port Allen, Kikiaola
Oahu: Hawaii Kai, Haleiwa
Maui: Kihei, Mala, Lahaina, Maalaea

Hawaii: Honokohau, Puako

The co-manager represented the sanctuary at a vessel operators meeting regarding vessel-whale collisions on February 1st. The meeting, hosted by the Pacific Whale Foundation on Maui, featured presentations and productive discussion with vessel operators regarding best practices to reduce the risks of vessel-whale collisions. NOAA Office of Law Enforcement, Special Agent, Vic Honda, also participated in the meeting.

Education and Outreach

West Hawaii coordinator, Justin Viezbicke, continued working with Waimea Middle School students monitoring whales north of Kawaihae and recording numerous humpback behaviors. This annual effort continues to refine a school-based version of the sanctuary's Ocean Count activity. Justin also worked with Girl Scouts monitoring and recording whale behavior off the Kona Coast. In addition, Viezbicke conducted a variety of marine science education modules for students on a NOAA-sponsored education cruise during February 12-16 in waters off American Samoa. The cruise was coordinated by the Fagatele Bay National Marine Sanctuary.

In February, sanctuary staff attended book signings of the new *Hawaii Wildlife Guide* on Oahu, Maui, Kauai and the Big Island during the month of February. The new full color guide, developed by with extensive input from several sanctuary staff, is the latest in the US *Watchable Wildlife* series that features wildlife viewing guidelines and site descriptions intended for use by wildlife enthusiasts. Marine mammal watching guidelines and the sanctuary's Kihei facilities are featured in the full color guide book available now at a bookstore near you.

Walters was interviewed by Hawaii Public Radio's Sunny Lewis regarding the state's new comprehensive wildlife conservation strategy. Walters was also interviewed regarding whale carcass removal activities by a writer with Honolulu Magazine who is working on a story titled "Hawaii's Dirtiest Jobs."

Cetacean Stranding, Entanglement and Vessel Collision Response

State sanctuary staff provided assistance on several humpback whale collision and entanglement responses coordinated by PIRO PRD over the reporting period. Among the latest highlights from the state office, West Hawaii coordinator, Justin Viezbicke, was able to hook on a VHF transmitter to the trailing gear of an entangled humpback off Kona on February 9, which helped the sanctuary's David Mattila and Ed Lyman track and eventually disentangle the whale off Maui on February 15. This has been the busiest season ever for sanctuary staff in terms of reported collisions and entanglements.

All four state sanctuary staff attended the marine mammal response network meeting held by PIRO PRD marine mammal branch on January 9-10. Viezbicke and Olry also attended the NOAA oiled wildlife response workshop on January 12.

Oahu staff, Nichols and Walters, attended the large whale disentanglement training on January 18, held by Ed Lyman, sanctuary rescue coordinator. Sanctuary staff

attended similar advanced classroom and water-based trainings on Kauai, Maui and Hawaii Island.

Walters and Nichols oversaw the removal of a large portion (3+ tons) of whale carcass in Waimanalo, Oahu, on March 13-15, with heavy equipment assistance provided by the state Department of Transportation.

Also, West Hawaii coordinator, Viezbicke and three members of Hawaiian Islands Stranding Response Group (HISRG), responded to a dead beached dolphin just north of Kua Bay on Wednesday March 8th. The group found the large male spinner dolphin in a remote location and was able to remove the carcass and ship it to Oahu for necropsy as requested by PIRO PRD.

Open Ocean Aquaculture Projects

A predator barrier net design was submitted by Kona Blue Water Farms to the DLNR OCCL permitting office after consultation with the state sanctuary office and PIRO PRD. The net design is intended to reduce the chances of monk seal interactions with the project's surface cages. Viezbicke continued conducting routine humpback whale monitoring around the cage site. The operator reported two instances of close humpback approaches around the cages, but no adverse interactions were observed during the reporting period.

Monk Seal Conservation – (conducted with funding and oversight from NMFS PIRO PRD)

Kauai monk seal response coordinator, Mimi Olry, continued to respond to and/or oversee more than 100 responses to monk seal haul outs and distress calls over the reporting period. Olry also continued working with several volunteers on resort and school-based education activities. Olry also held a monk seal education evening on January 26, attended by over 50 community members. Viezbicke and DAR staffer, John Kahiapo, continued to monitor a monk seal frequenting a popular surf spot and stream mouth in Hakalau, Hawaii Island.

All four state sanctuary staff attended a monk seal management meeting on Oahu on March 14-15. The meeting, held by PIRO PRD at the sanctuary's Hawaii Kai facilities, brought key government agency staff together to develop strategies to address pressing monk seal management issues in the main Hawaiian Islands.

Spinner Dolphin Conservation

Walters joined PIRO PRD staff at a March 8 meeting regarding NOAA's proposed rules for enhanced Hawaiian spinner dolphin protection. The meeting, held at DLNR's Waianae small boat harbor, was called by several leeward commercial ocean tour operators to discuss their questions and concerns regarding the proposed rules.

Research

Walters and Nichols attended the annual humpback whale researchers meeting held by NOAA PRD and Maui-based sanctuary staff in Lahaina on February 1. Nichols continued to oversee administration of the DLNR research permits and Hawaii-based SPLASH research project awards.

Water Quality

Walters attended a meeting with state Department of Health, US EPA, DLNR DOBOR and other staff on February 17, regarding water quality and vessel waste water pump-out issues. Sanctuary manager, Naomi McIntosh, organized the meeting to

facilitate a dialogue with key state and federal agencies about the best course(s) of action to address community concerns about water quality issues associated with vessels pumping out their waste water in the sanctuary, especially around Maui.

Other Activities, Meetings, Etc.

- 1) Mar 1, 2006, Washington, DC – Walters accompanied sanctuary manager, Naomi McIntosh, and other NOAA NMSP staff in annual briefings with Representative Ed Case and staff, Senator Inouye's staff, and Senator Akaka's staff.
- 2) Mar 2, 2006, Washington, DC - Washington, DC – Walters accompanied sanctuary manager, Naomi McIntosh, and other NOAA NMSP staff in annual briefings with Representative Neil Abercrombie and staff. Walters and McIntosh also attended meetings with NOAA Fisheries Service and NOAA staff, and an evening reception sponsored by the National Marine Sanctuary Foundation.
- 3) Mar 3, 2006, Washington, DC - Washington, DC – Walters accompanied sanctuary manager, Naomi McIntosh, and other NOAA NMSP staff in briefings with various staff members of the Senate appropriations committee. McIntosh and Walters also met with US Marine Mammal Commission staff and NOAA NMFS staff regarding vessel-whale collision issues and strategies developed to protect Northern Atlantic Right Whales.
- 4) Mar 9, 2006 – Walters participated in Council composition committee and joint research and conservation committee conference calls.
- 5) Mar 10, 2006 – Walters attended DLNR briefing regarding the upcoming WESPAC meeting.

cc: Peter T. Young, DLNR Chairperson
Robert K. Masuda, DLNR Deputy Director
Dan Polhemus, DLNR-DAR Administrator
Allen Tom, NMSP Pacific Islands Regional Coordinator
Naomi McIntosh, HIHWNMS Sanctuary Manager